

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

December 1, 2008

TO: Gary Sasse, Director

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday , November 20, 2008. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/ Regulations, Steven Raffa, Esq., Division of Legal Services and Richard Interrante. The hearing Board members present: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin and Thomas Ricci .

Absent: Cpl. David Doucet of the Rhode Island State Police.

MEETING OF NOVEMBER 20, 2008 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI
02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE OCTOBER
23, 2008 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

2. PAUL BAILEY’S NARRAGANSETT FORD, INC.

**d/b/a: FLOOD FORD LINCOLN-MERCURY (Michael Flood, Pres.)
FRANCHISE ADDITION – LINCOLN AND MERCURY – CASE
#KR-08-269**

**Decision: The Board has approved the franchise addition of Lincoln
and Mercury to Flood Ford. No additional plates have been approved.**

3. SIMPSON BROTHERS AUTO SALES & SERVICE, INC.

**d/b/a: AUTO COUNTRY SALES & SERVICE (Karen Morrow, Pres.)
TRANSFER APPLICATION – CASE #KR-08-265
FROM: 35 QUAKER LANE, WEST WARWICK, RI
TO: 19 INDUSTRIAL DRIVE, EXETER, RI 02822**

**Decision: The Board has approved the transfer application subject to
finalization with the Dealers’ License and Regulations board within 30**

days.

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4. CERTIFIED AUTO SALES & SERVICE (Salvatore J. Puleo III, Owner)

TRANSFER APPLICATION – CASE #KR-08-287

FROM: 1931 SMITH ST. NORTH PROVIDENCE, RI

**TO: 1940 MINERAL SPRING AVENUE, NORTH PROVIDENCE, RI
02911**

Decision: The Board has approved the transfer application subject to the dealership supplying a copy of the lease for the new location to the Dealers License and Regulations Office and dealership finalizing with them within 30 days.

**5. JOHN GEREMIA / John Harwood, Esq. V. BALD HILL
SUBARU-DODGE (Robert Petrarca, Pres.)**

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-08-087

1ST. CONTINUED HEARING

Decision: The Board has dismissed this case without prejudice.

**6. DEALERS' LICENSE & REGULATIONS OFFICE V. KING RICHARD'S
SUZUKI / SEEKONK ISUZU (Richard Palumbo, Pres. / John Harwood,
Esq.)**

SHOW CAUSE HEARING – CASE # KR-08-244

1ST CONTINUED HEARING.

Decision: The Board has requested that this hearing be rescheduled until January 2009 to enable the legal counsel for the Dealers' Hearing Board to complete additional research to enable the board to make a decision.

7. MELBA RODRIGUEZ V. ATLANTIC AUTOCENTER, LLC (Charles Russo, Member / John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-118

2ND. RESCHEDULED HEARING

Decision: The Board has agreed to table the matter to allow the dealership 30 days to repair the vehicle by removing the tint from the windows at no charge to the customer. The dealership has ten days to deliver documents requested to the Dealers License and

Regulations Office.

8. DOMENIC GIORDANO V. ATLANTIC AUTOCENTER, LLC (Charles Russo, Member/ John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-08-071

2ND CONTINUED HEARING

Decision: The Board has determined the case is to be dismissed with prejudice.

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9. DEALERS' LICENSE & REGULATIONS OFFICE V. SILVER LAKE AUTO SALES (Patricia Troino, pres. / John Harwood, Esq.)

SHOW CAUSE HEARING – CASE # DS-08-191

1ST. RESCHEDULED HEARING

Decision: The Board has determined that Case # DS-08-191 and Case

DS-08-192 shall be combined. These cases will be continued until additional information required by the Board can be located and witnesses can be subpoenaed.

10. DEALERS' LICENSE & REGULATIONS OFFICE V. DISTINCTIVE MOTOR CARS UNLIMITED (Carl Pellegrino, Partner / John Harwood, Esq.)

SHOW CAUSE HEARING – CASE # DS-08-192

1ST RESCHEDULED HEARING

Decision: The Board has determined that Case # DS-08-191 and Case DS-08-192 shall be combined. These cases will be continued until additional information required by the Board can be located and witnesses can be subpoenaed.

11. ELENA MALLOZZI / Robert Russo, Esq. V. AMC GROUP MOTOR SALES (Ronald Giorgio, Owner/ Cory J. Allard, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-08-210

Postponed at the request of William Warren, Esq., attorney for Elena Mallozzi..

12. JOSE MENDEZ V. RHODE ISLAND AUTOMOTIVE SPECIALIST SALES AND SERVICE, LLC (Robert Garrin, Partner)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-08-213

Decision: The Board has dismissed this case without prejudice.

13. KRISTEN JONES V. SCOOTIE'S AUTO SALES (Oliver MacDougall, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-08-259

Postponed at the request of John Patrone, Esq. attorney for Scootie's Auto Sales.

14. FOR DISCUSSION ONLY

REQUEST OF COURTESY HYUNDAI, INC. TO DISPLAY AND SELL VEHICLES A T A LOCATION OTHER THAN THEIR LICENSE LOCATION.

Decision: The Board has determined Rhode Island law does not allow off-site sales.

Walter Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Steven Raffa, Esq., Division of Legal Services, DOA

File